



Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shadduck  
Serial No.: 10/780,027  
Filed: 17 February 2004  
For: Surgical Instruments and Techniques for Treating Gastro-Esophageal Reflux Disease

Group No.: 3739  
Examiner: Unknown

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE  
ONE INVENTOR(S) EXECUTED BY SIGNING DECLARATION**

I, Patricia A. Limbach, Registration No. 50,295, of RYAN KROMHOLZ & MANION (Customer No. 26308), S.C., P.O. Box 26618, Milwaukee, Wisconsin 53226-0618, {(262) 783-1300} state I am an attorney for this application and the application identified above is the application which the inventor(s) executed by signing the declaration which is being submitted herewith.

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows:  
Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date 3 August 2004

By Linda S. Wenzel

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Linda S. Wenzel  
(Typed Name of Person Signing Paper)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket No.: **S-DESC-017**

**DECLARATION FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought, the specification of which is attached hereto and which has the following title:

**SURGICAL INSTRUMENTS AND TECHNIQUES FOR TREATING GASTRO-ESOPHAGEAL REFLUX DISEASE**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to in this oath or declaration.

I acknowledge the duty to disclose information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, U.S.C. Section 1001 and that such willful false statements may jeopardize the validity of application or any patent issued thereon.

Please address correspondence and make telephone calls to the Inventor named below:

Sole Inventor: John H. Shadduck

Inventor's signature: John H. Shadduck Date: 12/29/98

Citizenship: U.S.A.

Residence: 1490 Vistazo West St.  
Tiburon, California 94920

Telephone: (415) 435-0752





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Shadduck

Group No.: 3739

Serial No.: 09/222,501

Examiner: A. Farah

Filed: 29 December 1998

For: Surgical Instruments and Techniques for Treating Gastro-Esophageal Reflux Disease

Assistant Commissioner for Patents  
Washington, D.C. 20231

POWER OF ATTORNEY  
(REVOCATION OF PRIOR POWERS)

As a named inventor for the above identified

[ x ] application

[ ] patent

REVOCATION OF PRIOR POWERS OF ATTORNEY

I hereby revoke all powers of attorney previously given and

NEW POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Daniel D. Ryan (29,243)  
John M. Manion (38,957)  
Laura A. Dable (46,436)

Joseph A. Kromholz (34,204)  
Daniel R. Johnson (46,204)  
Patricia A. Limbach (50,295)

(check the following item, if applicable)

[ ] Attached, as part of this power of attorney, is the authorization of the above named attorney(s) to accept and follow instructions from my representative(s).

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SEND CORRESPONDENCE TO: Daniel D. Ryan  
RYAN KROMHOLZ & MANION  
Post Office Box 26618  
Milwaukee, Wisconsin 53226

DIRECT TELEPHONE CALLS TO: (262) 783 - 1300  
Daniel D. Ryan

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I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 2-12-03

  
\_\_\_\_\_  
Signature  
John H. Shadduck  
\_\_\_\_\_  
Typed Name of Signor



Docket No. 9222.17800-DIV 2

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR US PRIORITY CLAIM**

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, S 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, S 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

		Status (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1.09/222,501	29 December 1998			
2.60/086,068	20 May 1998			
3.				

**PCT APPLICATIONS DESIGNATING THE U.S.**

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)
4.		
5.		
6.		

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY APPLICATION  
CLAIMED UNDER 35 USC 119**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			